



PATENT  
ATTORNEY DOCKET NO. 06132/075002

Certificate of Mailing: Date of Deposit: July 22, 2008

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Katherine Johnson  
Printed name of person mailing correspondence

Katherine Johnson  
Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Arroyo et al.	Confirmation No.:	5599
Serial No.:	10/715,868	Art Unit:	1648
Filed:	November 17, 2003	Examiner:	Mary Mosher
Customer No.:	21559		
Title:	West Nile Virus Vaccine		

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**  
SEP 15 2008  
OFFICE OF PETITIONS

REPLY TO NOTICE OF ALLOWANCE

In reply to the Notice of Allowance that was mailed in connection with the above-captioned application on April 24, 2008 and having confirmation number 5599, Applicants submit the following.

Enclosed are a completed fee transmittal form PTOL-85 and a check covering \$740 to cover the fees now due, in view of Applicants' prior submission of an issue fee payment and related fees on January 17, 2007. The total fee required now is \$1770, which includes an issue fee payment for a large entity as required by 37 C.F.R. § 1.18(a) of \$1440, a publication fee of \$300, and a patent copy fee required by 37 C.F.R. § 1.19(a)(1)(i) of \$30.00 for ten patent copies.

With the January 17, 2007 submission, Applicants paid \$1030. The difference between \$1770 and \$1030 is \$740, the amount now paid. Applicants note that a pre-grant publication issued in this case on November 29, 2007. As discussed in their submission dated February 19, 2008, Applicants did not request this pre-grant publication and question whether this publication may have taken place due to the prior payment of a publication fee, with the prior submitted issue fee. If this is the case, then Applicants respectfully submit that they should not be required to pay the publication fee again. However, reference is made to the deposit account of Applicants' representative, if this has been misunderstood.

If there are any other charges required for proceeding with issuance of a patent in this case or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: July 22, 2008

Susan M. Michaud  
Susan M. Michaud, Ph.D.  
Reg. No. 42,885

Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045



PATENT  
ATTORNEY DOCKET NO. 06132/075002

Certificate of Mailing: Date of Deposit: July 22, 2008

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Katherine Johnson  
Printed name of person mailing correspondence

Katherine Johnson  
Signature of person mailing correspondence

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 15 2008

Applicant: Arroyo et al.  
Serial No.: 10/715,868  
Filed: November 17, 2003  
Customer No.: 21559  
Title: West Nile Virus Vaccine

Confirmation No.: 5599  
Art Unit: 1648  
Examiner: Mary Mosher

OFFICE OF PETITIONS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT OF LARGE ENTITY STATUS

Applicants request that Patent Office records indicate that small entity status is not applicable for future fee payments in the above-captioned case. Applicants enclose a check covering \$405 to supplement payment of the Request for Continued Examination fee paid on March 26, 2008. The fee paid previously was \$405 and Applicants' representative has since learned that large entity fees should have been paid at that time. This error was made without deceptive intent and the current payment ensures that all fees due in this case have been paid at the correct level.

Although no additional fees are believed to be due, if there are any additional charges or credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: July 22, 2008

Susan M. Michaud  
Susan M. Michaud, Ph.D.  
Reg. No. 42,885

Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045

CLARK & ELBING LLP  
101 FEDERAL STREET  
BOSTON, MA 02110

25-80/440

7922

EXPLANATION		AMOUNT

PAY AMOUNT OF **\$ 1145.00** DOLLARS

DATE	7/22	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER	CHECK AMOUNT
		DIRECTOR OF PATENTS & TRADEMARKS	061321075002	7922	\$ 1145.00

US Small Business Account  
BankOne, National City, Ohio, USA

*[Signature]*



⑈007922⑈ ⑆044000804⑆ 041113051396⑈

Atty/Secy: SMM/knj Matter Name: Date: 07/22/2008

- |   |          |   |          |
|---|----------|---|----------|
| <input checked="" type="checkbox"/> Transmittal Letter                    | Pages: 2 | <input type="checkbox"/> Declaration & POA        | Pages:   |
| <input type="checkbox"/> Notice to File Missing Parts                     | Pages:   | <input type="checkbox"/> Assignment & Cover Sheet | Pages:   |
| <input type="checkbox"/> Reply to Missing Parts                           | Pages:   | <input type="checkbox"/> Change of Address        | Pages:   |
| <input type="checkbox"/> Reply to Office Action                           | Pages:   | <input type="checkbox"/> Preliminary Amendment    | Pages:   |
| <input type="checkbox"/> Petition for Extension                           | Pages:   | <input type="checkbox"/> IDS                      | Pages:   |
| <input type="checkbox"/> Notice of Appeal                                 | Pages:   | <input type="checkbox"/> Form PTO-1449            | Pages:   |
| <input type="checkbox"/> Appeal Brief                                     | Pages:   | <input type="checkbox"/> Cited References         | Number:  |
| <input type="checkbox"/> Drawings Formal/Informal                         | Pages:   | <input type="checkbox"/> Sequence Listing         | Pages:   |
| <input type="checkbox"/> M-Fee Payment                                    | Pages:   | <input type="checkbox"/> Sequence Statement       | Pages:   |
| <input checked="" type="checkbox"/> Issue Fee Transmittal Form            | Pages: 1 | <input type="checkbox"/> Sequence Diskette        | Number:  |
| <input checked="" type="checkbox"/> Check                                 | \$: 1145 | <input type="checkbox"/> Application Data Sheet   | Pages:   |
| <input checked="" type="checkbox"/> Other Statement of Large Entry Status |          |   | Pages: 1 |
| <input type="checkbox"/> Other  |          |   | Pages:   |
| <input type="checkbox"/> Other  |          |   | Pages:   |

\*\*\*PROSECUTION\*\*\* Attorney Docket Number: 061321075002

The U.S. PTO date stamp sets forth the date of receipt of:

Applicant/Patentee: Arroyo et al.  
Serial/Patent Number: 10/715,868  
Filed/Issued: November 17, 2003  
Title: West Nile Virus Vaccine

\*\*\*PROSECUTION\*\*\*

Attorney Docket Number: 06132/075002

The U.S. PTO date stamp sets forth the date of receipt of:

Applicant/Patentee: Arroyo et al.

Serial/Patent Number: 10/715,868

Filed/Issued: November 17, 2003

Title: West Nile Virus Vaccine



<input checked="" type="checkbox"/> Transmittal Letter	Pages: <u>2</u>	<input type="checkbox"/> Declaration & POA	Pages: _____
<input type="checkbox"/> Notice to File Missing Parts	Pages: _____	<input type="checkbox"/> Assignment & Cover Sheet	Pages: _____
<input type="checkbox"/> Reply to Missing Parts	Pages: _____	<input type="checkbox"/> Change of Address	Pages: _____
<input type="checkbox"/> Reply to Office Action	Pages: _____	<input type="checkbox"/> Preliminary Amendment	Pages: _____
<input type="checkbox"/> Petition for Extension	Pages: _____	<input type="checkbox"/> IDS	Pages: _____
<input type="checkbox"/> Notice of Appeal	Pages: _____	<input type="checkbox"/> Form PTO-1449	Pages: _____
<input type="checkbox"/> Appeal Brief	Pages: _____	<input type="checkbox"/> Cited References	Number: _____
<input type="checkbox"/> Drawings Formal/Informal	Pages: _____	<input type="checkbox"/> Sequence Listing	Pages: _____
<input type="checkbox"/> M-Fee Payment	Pages: _____	<input type="checkbox"/> Sequence Statement	Pages: _____
<input checked="" type="checkbox"/> Issue Fee Transmittal Form	Pages: <u>1</u>	<input type="checkbox"/> Sequence Diskette	Number: _____
<input checked="" type="checkbox"/> Check	\$: <u>1145</u>	<input type="checkbox"/> Application Data Sheet	Pages: _____
<input checked="" type="checkbox"/> Other <u>Statement of Large Entity Status</u>			Pages: <u>2</u>
<input type="checkbox"/> Other _____			Pages: _____
<input type="checkbox"/> Other _____			Pages: _____

Atty/Secy: SMM/knj

Matter Name: \_\_\_\_\_

Date: 07/22/2008

RECEIVED

SEP 15 2008

OFFICE OF PETITIONS

Packages To Go List for July 22nd, 2008

1st Class ☐ Express ☐

Scanned ☐

E-File ☐ Other ☐

Signing Express Mail Today David Scott

Omega ☐

Best Available Copy

Client/Matter No.	Description (include all parts of filings)	Legal Staff	Standard Fee Code	Final (Yes/No)	Express, 1st Class, Fax, DHL, E-file	Checker	Status	OS Mail Receipt	Delivery Confirmation
-------------------	--	-------------	-------------------	----------------	--------------------------------------	---------	--------	-----------------	-----------------------

061321 075002	Issue Fee Payment; Statement of large entity	Smm/ KJF	usq	no	1st E-file	MM	OK	DAS	DAS
------------------	--	-------------	-----	----	---------------	----	----	-----	-----

CPI Finals Report Reviewed: WJW (checker initials)